



Making Great Communities Happen
**Connecticut Chapter of the
American Planning Association
Government Relation Committee**

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POSITION STATEMENT

PLANNING AND DEVELOPMENT COMMITTEE – FEBRUARY 18, 2011

BILLS:

- **SB 491 An Act Reducing the Number of Public Hearings on Subdivision and Site Plan Applications**
- **SB 860 An Act Concerning Bonds for Approved Subdivisions**
- **SB 896 An Act Making Procedural Changes to the Site Plan and Subdivision Application Process**

OVERVIEW: These proposed bills address procedural requirements for regulatory review of subdivisions and bonding of required public improvements.

ANALYSIS: SB 491 would prohibit a public hearing for a subdivision proposal associated with a zone regulation or boundary change for which a public hearing has been held. SB 860 would allow for a developer to record an approved subdivision prior to posting any required bond for public improvements. SB 896 would permit the zoning, planning, or planning and zoning commission to assign site plan approval and subdivision plan approval to an authorized agent and would prohibit a public hearing on subdivision proposals. These bills appear intended to adjust regulatory and procedural requirements for subdivisions to reduce costs and time required for subdivision reviews.

Municipal land use agencies and developers have long applied public participation, technical review, and bonding procedures as currently provided. Each town has developed and followed procedures that meet individual community goals and these proposed changes will disrupt those established systems.

RECOMMENDATIONS:

SB 491 – Any modifications of subdivision review and approval requirements should carefully evaluate the potential costs and benefits. Rather than a blanket prohibition on public hearings, statutory guidelines may more effectively provide threshold criteria that trigger public hearings, such as number of lots, extent of public improvements, and conformance to open space and other Plan of Conservation and Development goals. Another tool that may ensure the exercise of the public hearing option only where necessary to support informed decision making is the hearing petition process such as provided for inland wetlands and watercourse application reviews in CGS

12a-43. This procedure applies a public interest threshold that has been successfully applied to wetlands reviews for many years and may provide an appropriate model for subdivision reviews.

SB 860 – Bonding of public improvements prior to the recording of record subdivision maps is a necessary protection to the community; further, the conditional approval provisions in CGS 8-25 as well as the recently adopted authorization for provisional sale of lots already provide flexibility for developers.

SB 896 – Discretionary assignment of subdivision approval authority to an agent of the commission raises questions of staffing capacity and technical expertise, as well as a concern for allocation of necessary review costs for outside technical expertise, which many towns incorporate into their application fee structure. Any such authorization should recognize the need for towns to have adequate staff and other resources to ensure adequate protection of public health, safety, and property values.

CCAPA POSITION:

SB 491 – : Reducing the time require for land use decisions is an appropriate goal and CCAPA supports such efforts where they are based on sound planning policies and principles that include meaningful opportunities for public participations and decision-making transparency. Currently, a public hearing on a subdivision is discretionary and this bill would prohibit the exercise of such discretion. The value of a public hearing on a subdivision proposal, where such proposal complies with the applicable technical standards, may vary depending on circumstances. However, in most cases, there are subjective variables that factor into the decision making process, most significantly the location and quality of proposed open space to be provided where required as authorized by CGS 8-23. Thus, planning commissions should not be prohibited from holding a hearing but should be provided with guidelines or criteria that provide predictability to the overall subdivision approval process. CCAPA does not support this bill as currently drafted.

SB 860 – CCAPA believes that weakening the bonding requirements for subdivision site development, particularly in light of significant economic and financial uncertainty, would unduly expose municipalities to fiscal and public safety risks. CCAPA does not support this bill.

SB 896 – CCAPA does not oppose discretionary assignment of administrative tasks to designated agents, although we do not believe the municipal land use agencies will readily apply this concept to subdivision approvals without additional assurances of cost recovery and adequate public protections.